



# Allocations Policy

Reviewed 2017

Approved by Committee 1/11/17



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## **1. Introduction**

### **1.1 Allocation Objectives**

This Allocations Policy sets out how the Council intends to let its houses. It lays out a hierarchy of need, in order to best allocate a limited supply of housing. The allocation of properties has a crucial part to play in promoting sustainable communities, in which people will want to live and work. The Allocations Policy ties in with objectives from the Local Housing Strategy and the Homelessness Strategy to provide a holistic approach to addressing housing need in the area.

### **1.2 Background Information for applicants selecting areas of choice**

The total Council house stock has decreased by around 845 properties over the last five years. Much of the decrease has been due to properties which have been demolished as part of regeneration programmes and properties which have been lost through the Right to Buy legislation. However, (taken together) the new build, mortgage to rent and the buy-back programmes have resulted in an additional 138 properties in Council ownership.

The Council's housing stock is split into three main population areas - Clydebank, Dumbarton and the Vale of Leven. Over half of the Council's housing stock is located in Clydebank, 27% is located in the Vale of Leven area and 20% is in Dumbarton.

The Council's housing stock is largely 2 bedroom properties (46%), followed by 1 bedroom and 3 bedroom properties which each account for 25%. 4 bedroom properties make up around 3% of the Council's housing stock, with even smaller amounts of bedsits, and larger sized homes.

Across the whole of the West Dunbartonshire area, flatted accommodation including duplex flats, maisonettes, four in a block accommodation, tenement flats and multi-story accommodation makes up 70% of Council accommodation. Four-in-blocks make up nearly 29% of the Council's housing stock. Houses account for 25% and 2% of the stock is provision for sheltered accommodation.

## **2. Legal Framework**

### **2.1 Housing Act 2014**

The allocation of social housing in Scotland is governed by the provisions within the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and again by the Housing (Scotland) Act 2014. The legislation sets out the principles that should guide the practice of social landlords in relation to holding and managing a housing list, the extent to which circumstances and needs should be assessed and the applicant characteristics that should be prioritised in the assessment of housing need.

The Housing (Scotland) Act 2014 changes certain aspects of the law on social housing allocations and management:

- The Right to Buy was abolished for all social housing tenants in Scotland by this Act.
- The Act also made changes to allocation rules for social landlords, to increase flexibility and allow them to make best use of their stock.
- The Act also allows landlords to issue Short Scottish Secure Tenancies (Short SSTs) to address anti-social behaviour.

The other legislative provisions surrounding the allocation of social housing in Scotland relate to meeting the needs of homeless households set out in the Housing (Scotland) Act 2001 and Homelessness etc. (Scotland) Act 2003.

## **2.2 Applicable Legislation**

There is a framework of rights based legislation which also influences the allocation of housing and with which the Councils must comply with. These are,

- Human Rights Act 1998;
- Data Protection Act 1998;
- Matrimonial Homes (Family Protection)(Scotland)Act 1981;
- Children Scotland Act 1995;
- Civil Partnership Act 2004;
- Immigration & Asylum Act 1999;
- Protection from Harassment Act 1997;
- Domestic Abuse (Scotland) 2011;
- Management of Offenders etc. (Scotland) Act 2005;
- Equality Act 2010; and
- Adult Support & Protection (Scotland) Act 2007

## **3. Equal Opportunities**

Access to housing is available to everyone aged 16 or more. This does not give applicants a right to receive an offer of housing however, as offers are dependent on the priority given to each individual application. In accordance with the Equality Act 2010, the Council will ensure that no individual is discriminated against on the grounds of sexual or marriage status, on racial grounds, disability, age, sexual orientation, transgender, language or social origin, faith or religion, or political opinion. This allocations policy is designed to allocate houses on a needs basis but recognises that need outstrips supply. The policy has been equality impact assessed.

## **4. Other Related Policies**

### **4.1 Local Housing Strategy**

The Local Housing Strategy (LHS) sets out how West Dunbartonshire Council and its partners plan to address housing and housing related issues over the next five year period 2017/18 – 2021/2022.

The LHS is a wide ranging and all tenure document covering:

- Housing ;
- Homelessness and Housing Options;
- Housing Support Services; and
- Fuel Poverty.

The Allocation Policy has a vital part to play across a number of policy areas to help in the delivery of the LHS outcomes. The strategy highlights how local lettings planning and other demographic tools can help to make best use of our housing stock to achieve individual tenancy and broader community sustainment and social cohesion.

### **4.2 Homelessness Strategy**

Applicants who are homeless or threatened with homelessness are treated separately within the Allocations Policy, to make sure that their needs are met as quickly as possible and we comply with legal requirements. Applicants who want more information on homelessness in WDC can refer to the homelessness strategy named, 'More Than a Roof'. This is the Councils fourth strategy relating to homelessness covering the period of 2017-22.

The 5 key objectives of the strategy are that:

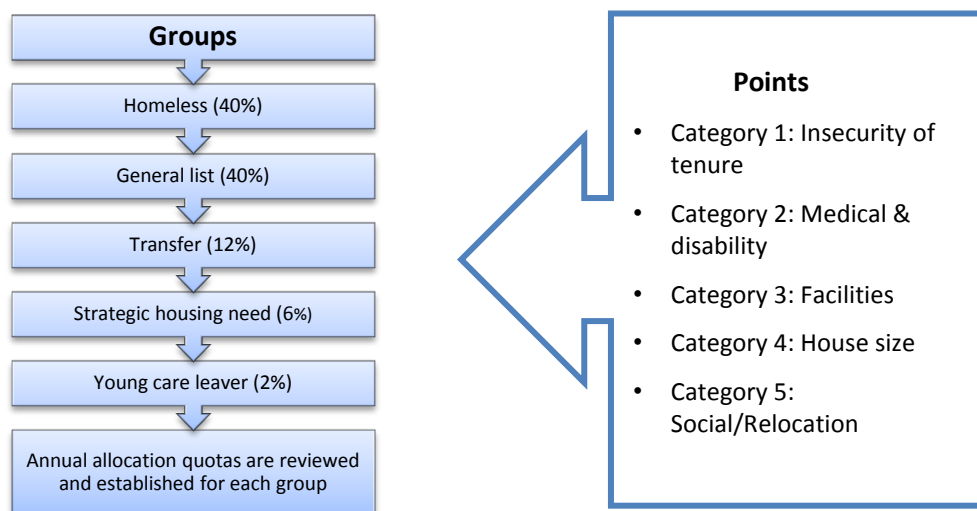
- People at risk of losing their homes get advice on preventing homelessness;
- People looking for housing get information that helps them make informed choices and information about the range of housing options available to them;
- Homeless people get prompt and easy access to help and advice;
- Homeless people are provided with suitable, good quality temporary or emergency accommodation when this is needed; and
- Homeless people are offered continuing support to help them keep the home they are entitled to.

The Council is committed to developing a housing options approach as an action under the homelessness strategy which will improve access to housing for all applicants. A person centred approach will be created and all different options for housing will be looked at to allow applicants to make an informed choice about their living situation.

## 5. Allocation of Houses

### 5.1 Groups plus points system

The Council uses a group plus points system to allocate its properties; this breaks the housing register down to clearly defined groups. A housing need assessment based on the application is carried out and then the applicant is placed in one of the following groups and pointed accordingly. If an applicant shares the same level of points with another applicant within that group, the applications will be prioritised based on the date of application. Percentage lettings targets for each group are based on housing need and available stock.



The five groups are:

- Homeless Applicants – all applicants assessed as having a duty to house under Homeless legislation;
- Transfer Applicants – all current WDC tenants;
- Strategic Housing Need/Redevelopment Applicants – all WDC tenants and tenants of landlords working in partnership with the council, affected by regeneration/redevelopment programmes;
- Young Care Leavers – Looked after children leaving care; and
- General Housing List Applicants – all other applicants

### 5.2 Reasonable Preference Groups

The Council legally must give reasonable preference to certain groups when letting houses. The groups to which reasonable preference must be given are:

- Homeless persons and people threatened with homelessness with unmet housing needs;
- People living in unsatisfactory housing conditions with unmet housing needs; and

- Tenants of houses which are held by a social landlord and we consider them to be under-occupied as defined in this policy

The Council would consider that a person has unmet housing needs if they have a need which is not capable of being met by their current housing circumstances.

In practice, the Council will explore housing options with all applicants so that they can make informed decisions regarding their housing preferences.

Unsatisfactory housing conditions, as mentioned in the reasonable preference groups, is a wide term which within this policy covers the physical condition of the house, such as the property being below tolerable standard, as well as its unsuitability due to a medical condition or disability of the occupant. Unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse can all also be covered within this the term.

Below tolerable standard is defined as the lowest acceptable standard of housing in any tenure that anyone should be expected to occupy. A house is deemed to be below tolerable standard if it fails any of the 12 criteria as set out by the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) Act 2006.

The Council can also decide what other groups of applicants can also be given priority status in response to local circumstances.

### **5.2.1 Young Care Leavers**

In Scotland the Staying Put Scotland Guidance (2013) and Housing Options Protocols Guidance (2013) were produced to inform and share best practice and bring consistency to the options and support available to care leavers. Policy and legislation recognises and highlights the fundamental importance of safe, secure and sustainable accommodation in helping care leavers attain and achieve.

In addition West Dunbartonshire Council is a supporter of the Scottish Care Leavers Covenant which includes a section dedicated to Housing and Accommodation. A key action within the Covenant is that,

*“Corporate parents must take action to ensure that care leavers do not have to make a ‘homeless application’ in order to access suitable accommodation/housing”.*

Therefore the Council has wishes to give priority status to young care leavers also. This links in with the Homelessness Strategy as it has been highlighted that in West Dunbartonshire Council youth homelessness continues to account for over a third of all incidences of homeless. Part of the vision is to change the approach to how young care leavers are dealt with regarding housing; this is also in line with GIRFEC (Getting It Right For Every Child). Recognising young care leavers as a group means that this group does not have to always access housing via the homeless route. Young care leavers are any looked after or accommodated child within West Dunbartonshire, through the reasonable preference group. The Throughcare team work very closely with each young person and will create a pathway plan to support young people’s transition from care into their own tenancy to achieve maximum tenancy sustainment.



A Young Care Leavers Protocol has also been created which lays out in detail the accommodation pathway options available to young care leavers working with Throughcare.

### **5.2.2 Matters to disregard when selecting applicants**

The Council must disregard certain matters when selecting; these are,

- The length of time that applicants have resided in our area;
- Any debt related to a tenancy not owed by the applicant, as a tenant or former tenant, or any housing debt since paid back;
- Any outstanding debt not attributable to the tenancy, for example, council tax arrears (this also applies to anyone else that it is proposed will reside with the applicant);
- The age of the applicant unless a) housing has been designed or substantially adapted for persons of a particular age or b) the housing is for persons who are, or will be, in receipt of housing support services for a particular age group; and
- The income of applicants, including income of other household members.

The law now does enable Councils to take property ownership into account in certain circumstances. However the Council is not taking account of any property owned by applicants or their family members when selecting tenants. The policy is based on housing need and applicants may have various forms of housing need irrespective of home ownership.

When letting houses, the Council must also take no account of whether or not an applicant resides in our area if they:

- Are employed, or have been offered employment in our area;
- Want to move into our area to look for employment and we are satisfied that this is their purpose;
- Want to move into our area to be close to a relative or carer;
- Have special social or medical reasons for being re-housed in our area; and
- Want to live in our area to avoid harassment or runs the risk of domestic abuse and wishes to move into the area.

In law, there are specific conditions that the Council cannot impose, namely:

- Applications must be active for a minimum period before considering applicants for housing (except if that tenant has been informed that their application has been suspended),
- A judicial separation or divorce should be obtained, or dissolution of a civil partnership or a decree of separation of civil partners be obtained,
- That applicants should no longer be living with, or in the same house, as someone else before they can be considered for housing.

When letting houses, the Council must also disregard any arrears or other tenancy related debt which is less than one twelfth of the annual rent amount payable. For example, any rent arrears of less than one month will not stop an offer of housing being made.

If rent arrears are more than one month's rent this will not stop an offer of housing being made if applicants:

- Agree an arrangement with the Council to repay the debt
- Pay the amount as agreed for at least three months; and
- Continue to pay this amount

### **5.3 Mutual Exchanges**

A tenant that is looking to swap their Scottish Secure Tenancy with another tenant within the Council or any of the Local Housing Associations within West Dunbartonshire can register with Homeswapper to exchange their property. Homeswapper is an online service that holds details of mutual exchanges within WDC and elsewhere.

Reasonable grounds for refusing a mutual exchange can include:

- The property is subject to a proceedings of recovery;
- The exchange would mean that a property designed or adapted for occupation by someone with special needs was no longer occupied by a person with these needs;
- The mutual exchange would lead to overcrowding, under occupation or one household living in a property that is not suitable to their needs;
- Failure by the tenant to adhere to existing tenancy terms such as anti-social behaviour;
- Having rent arrears or any other housing related debt where there is no arrangement in place to repay the debt;
- The condition of the property is unacceptable;
- Failure by all joint tenants to apply for an exchange; and
- The property is a tied house that has been provided by the landlord for employment purposes.

The above list is not a definitive list and each case will be considered and other reasons may exist for refusing exchange applications. The tenant will have to have been in the tenancy they wish to consider swapping for a year before they will be granted a mutual exchange. The Council will aim to give you a response on a decision no longer than one month after the application is received.

## **5.4 Subletting**

Existing WDC tenants may apply to sublet their property. However, before a tenant can sublet their home they must apply in writing to the Council and get written consent. Tenants must also notify the Council of any proposed rent increase. The rent cannot be increased if the Council does not consent to the increase.

The 2014 Act makes the following changes:

- The tenant must have had the tenancy for the past 12 months immediately before they apply for permission to sublet; and
- If they were not the tenant throughout that period their only or principle home during those 12 months, and the Council must have been informed by the tenant at the time that the person who is now the tenant was living there, eg the tenant has succeeded the tenancy and now wishes to sublet.

A request to sublet can be for a variety of reasons and can include tenants who have received a custodial sentence for less than one year. Notification of a tenant receiving a custodial sentence can be received from Criminal Justice/Prison Social Worker/tenant/or a representative for the tenant themselves. The actual time likely to be spent in custody should be established as generally sublets are not granted for more than one year.

If the tenant has indicated that they wish to return to their tenancy on their release, the Housing Officer can consider their application to sublet their tenancy for the duration of the tenants' time in prison. They can liaise with the Resettlement Officer to ensure they know when the tenant is due for release.

### **5.4.1 Grounds for Refusing a Sublet**

The Council will only refuse an application to sublet a tenancy if it has reasonable grounds for doing so.

Each application must be considered on its own merits to determine whether it is reasonable to grant the request. Some specific reasons where it may be reasonable to refuse consent are listed below.

- An eviction process has been served that specifies any of grounds 1 to 7 in Schedule 2 of the Housing (Scotland) Act 2001;
- An eviction order has been made against the tenant;
- The rent proposed is not deemed to be reasonable by West Dunbartonshire Council;
- The deposit proposed is not deemed to be reasonable;
- The subletting would cause statutory overcrowding;
- Proposed works by the landlord that would affect the accommodation to be used by the subtenant, or other person living in the house as a result of the transaction;
- Where the tenant is leaving for an indefinite period and unable to specify when he/she will return. In this case, each application should be considered on an individual, circumstantial basis;

- Where another person's occupancy rights are likely to be adversely affected if permission is granted;
- Where the sublet would lead to substantial under occupation;
- Where the subtenant is unable to understand the terms of the sublet;
- The subtenancy is likely to be problematic, due to previous anti-social behaviour of the proposed subtenant that is likely to continue if the sublet is granted;
- Where the proposed subtenant has an unsatisfactory reference for former tenancies, both WDC & Non WDC;
- Where the property would not be deemed suitable for the subtenant for medical reasons.

#### **5.4.2 Withdrawing Permission**

The Council has the right to withdraw permission if there are complaints of anti-social behaviour as a result of the property being sublet.

#### **5.5 Assignment**

Before a tenant can assign their home to someone else, they must apply in writing to the Council. Once a tenant assigns their interest in the tenancy they no longer have a contractual relationship with the Council. The tenancy is transferred to the assignee and they take on all the responsibilities and liabilities of the tenancy, including any debt related to the tenancy.

Section 12(2) of the 2014 Housing (Scotland) Act makes the following changes:

- The house must have been the tenants only or principle home during the 12 months immediately prior to the tenant applying for written permission to pass their tenancy on to someone else;
- The person the tenant wishes to pass their tenancy on to (assignee) must have lived at the property as their only or principle home for the 12 months prior to the application; and
- The tenant, joint tenant or person the tenant wished to assign the tenancy to must have notified the Councils (Housing Officer) that they are living in the house that they wish to take the tenancy over for. The 12 month period does not start unless the landlord has been told that the person is living in the property as their only or principle home.

The Council can refuse permission to assign a tenancy if it is reasonable to do so, each case will be assessed individually and consent will not be withheld unreasonably. Specific grounds where it is reasonable to withhold consent are as follows:

- Where the house has been adapted and the person wishing to take over the tenancy does not require these adaptations.

- A notice of proceedings has been served on the tenant under the Housing (Scotland) Act 2002;
- Where the Council is seeking to regain possession of the property;
- The assignation would lead to statutory overcrowding;
- The Council proposes to carry out work to the building that would affect the accommodation to be occupied by the assignee;
- Where the assignee would not be given reasonable preference under the Allocations Policy;
- Where the assignation would result in the property being under occupied;
- Where the proposed assignee(s) have arrears / former tenancy arrears or other housing related debt and an arrangement to pay has not been kept to in accordance with the Allocations Policy;
- Where the existing tenant(s) have arrears (and no Notice / Court order is in place) and an arrangement to pay has not been kept to in accordance with the Allocation Policy;
- Where the proposed assignee(s) have an unsatisfactory tenancy reference;
- Non consent of a spouse with occupancy rights;
- Other legal orders in force, for example an anti-social behaviour order which does not permit the proposed new tenant to be in the area.

## **5.6 Joint Tenancies**

All applicants may apply to have a joint tenancy with someone who is staying with them or intending to stay with them. Applications should be made in writing to the Council. The person the tenant wishes to add as joint tenant must have lived at the property as their only or principle home for the 12 months prior to the tenant applying for them to become a joint tenant. The Council must also have been notified that the person wishing to apply for a joint tenancy has been living in the house, again the Housing Officer should be informed of this. The 12 month period does not start unless the Council has been told that the person has been living there as their only or principle home. An existing joint tenant can terminate their interest in the tenancy by providing the Council and the other joint tenants with 4 weeks written notice.

The Council must consent to an application for a joint tenancy unless there are reasonable grounds for refusing. Possible grounds for refusal would be:

- Where agreeing to the joint tenancy would lead to the household being overcrowded;
- Where the proposed joint tenant would not be granted a tenancy under the Allocations Policy for reasons such as anti-social behaviour or housing related debt; and
- Where the existing tenant had rent arrears and no suitable arrangement was in place for repayment.

## **5.7 Succession**

The Housing (Scotland) Act 2014 introduces a 12 month qualifying period and notification requirement before qualifying persons have the right to succeed to a Scottish Secure Tenancy on the death of the tenant. A succession can only take place where a tenant dies and there is a relevant qualifying person who wishes to succeed to the tenancy. Two rounds of succession can take place, on the death of a Scottish Secure Tenant, the tenancy passes to the qualifying person. On the death of a qualifying person who succeeded to the tenancy after the first death, the tenancy then passes to another qualifying person; this would be the second succession. There is no qualifying period under the new rules for the tenants spouse, civil partner or joint tenant provided that the house in question was that persons only or principle home at the time of the tenant's death.

The new rules apply to the following 'qualifying persons' where the house has been their only or principle home throughout the 12 months prior to the tenants death:

- Partners (cohabitants of either sex, including same sex cohabitants);
- Members of the tenants family aged 16 and over; and
- Carers aged 16 or over who have given up a previous or principle home.

Under the new Act the 'qualifying person' must also have notified the Council (Housing Officer) that they are living in the property as their only or principle home. The qualifying period does not start until the Council has received this notification. If the property has been adapted for the needs of the tenant who has deceased, and these adaptations are not required by the person wishing to succeed to the tenancy, a like for like property will be sought for this person to ensure that adaptations are available for those tenants who have a medical need for them.

## **5.8 Suspensions from The Housing Register**

A suspension is where a new or transfer applicant will not be eligible to be offered accommodation for a defined period of time. The Council cannot suspend people from applying for a house and joining the housing list but can from receiving offers of accommodation. This section highlights specific circumstances where it is legitimate for WDC to suspend offers.

Suspensions should only occur in instances relating to conduct or eligibility of applicants and are only used as a temporary measure.

Reasons for a suspension are as follows:

- Anti-social behaviour - the Council may seek to suspend an applicant on the basis of anti-social behaviour if the applicant or a member of their household has engaged in anti-social behaviour, including in the vicinity of the house; harassment of others or anti-social behaviour towards a Council employee when applying for housing;
- Has a conviction for using their home for immoral or illegal activity or any other offence punishable by imprisonment committed in the locality of their home, this can also apply to someone who has resided with the applicant;

- Has had a court grant an eviction notice against the applicant;
- If an applicant has previously abandoned a tenancy or neglecting a let property. A suspension can be put in place where an applicant's house was previously repossessed due to abandonment or where a house was repossessed due to abandonment of a joint tenant or where a property was repossessed due to neglect and ill treatment. The Scottish Secure Tenancy requires tenants to leave a tenancy in a clean and tidy condition and make sure it is in good decorative order at the end of a tenancy. However, this does not have to occur throughout the tenancy and is not a breach of tenancy condition unless there is a nuisance or hazard caused. Suspensions due to tenancy condition should therefore only be used for a serious breach of tenancy and the tenant's ability to maintain the property should also be taken into consideration with this;
- Where there have been rent arrears or other tenancy related debt. Unless the debt is not more than one month's rent, the and the applicant has made an arrangement to repay the debt and has maintained this arrangement for more than 3 months. Historic debt that had previously been written off by the Council can be taken into consideration also; and
- Where there has been a false statement made on an application for housing. This will be looked at on a case by case basis according to whether this information was intended to be misleading for fraudulent purposes or was a simple omission on the applicant's part.

Suspensions, when in place, will be for a period of a year but each case will be reviewed in case the circumstances of the tenant change, i.e. rent arrears being paid off or an arrangement made and maintained. The council cannot vary a suspension where it would increase its length and applicants have the right to appeal.

### **5.8.1 Three Reasonable Offers**

The number of reasonable offers of housing an applicant can receive before their application is suspended from receiving further offers of housing has been limited to three. If a tenant refuses three reasonable offers their application will be suspended for 12 months. On the refusal of one or more offers of housing the applicant should be contacted to review their preferences in terms of area choice and house type, to ensure they are up to date.

### **5.8.2 Managing and Monitoring Suspensions**

A person's behaviour will only be considered back as far as 3 years. In exceptional circumstances the Council can consider behaviour back as long as 5 years ago but the reasons for doing this would have to be justifiable. The Council however wishes to minimise / prevent homelessness and provide services for all, so the use of suspensions should be minimal and alternative approaches will be considered wherever possible.

The Council however aims to provide a service that is inclusive and accessible for all to help those who are vulnerable therefore any applicant who has been classified with a critical housing need with medical A points will not be prevented from receiving suitable offers of housing that becomes available even if they fall into a category which would warrant a suspension. The Council will work with these applicants to take a proactive approach to manage the problem.

The Council will monitor and manage all cases that have been suspended and anyone who falls into one of the suspensions categories will be informed of their suspension, the length of time it is in place, reasons for the suspension and how this suspension will have an impact on them, i.e. no offers of housing for 12 months.

### **5.9 Removal from the Housing Register**

The Council will only cancel applications for the following three reasons and remove applicants from the Housing Register for the following reasons:

- Death of an applicant – if notification of death of an applicant is received the application will be removed from the housing list;
- At an applicant's request – the Council will require notice from an applicant that they wished to be removed either via telephone, email or in writing; and
- Failure to Re-Register – the Council will carry out an annual review of its housing list. This review will ask applicants to confirm that the information on their application form is still correct and that they would like to remain on the housing list. If an applicant fails to respond to this review, a reminder letter will be sent and if no response the applicant will be removed. A letter confirming their removal from the list will then be sent.

### **5.10 Short Scottish Secure Tenancies**

The Council generally lets its properties as Scottish Secure Tenancies (SST's) wherever possible, to maximise the rights which tenants can enjoy. However in specific circumstances, as laid out below, it may not be appropriate to offer a SST. In these defined circumstances, the Council can offer a Short Scottish Secure Tenancy (SSST):

As part of the 2014 Act, new or existing tenants can be given Short Scottish Secure Tenancies in cases where the tenant, household member or visitor has been involved in anti-social behaviour in or near their property within the last 3 years.

Previously the Council would firstly have had to obtain an eviction order for anti-social behaviour or an anti-social behaviour order (ASBO). SSST's in these circumstances will be put in place for 12 months to allow for sufficient time for support to be put in place to help address the anti-social behaviour. However, the Council does have the authority to extend the time up to 18 months in extreme cases. The Council will work with tenants who have been placed on SSST's to ensure that support is available to them to prevent any instances of anti-social behaviour occurring in the future.



SSST's for the above reasons will automatically convert to a Scottish Secure Tenancy (SST) after the 12 month period (or 18 months in certain cases). If during this period, the behaviour of the tenant does not improve, the Council will seek to evict the tenant.

Other circumstances where a SSST may be used are where:

- Temporary accommodation is provided for people taking up employment in the area;
- A property is to be let on a temporary basis pending development work which will result in a material change to the building;
- Accommodation is let to a homeless person on a temporary basis for 6 months or more where they are 'intentionally homeless' and therefore under homelessness legislation there is 'no duty to house';
- Accommodation is let on a temporary basis to someone requiring or in receipt of housing support services; and
- Properties are leased from another body by West Dunbartonshire Council.

In these five circumstances the SSST does not automatically convert to a SST, the tenancy will continue as a SSST on a rolling basis.

Tenants with a SSST have less tenancy rights than those with a SST. These restrictions include:

- No provision for succession;
- More limited security of tenure; and
- Limited rights to assign and sublet the tenancy.

The Council will work jointly with the appropriate services and agencies, both internal and external to the Council, in order to maximise the opportunities that will ensure a positive outcome for the tenant, their household and the wider community. The Council will work jointly with HSCP in instances where there is a household containing children or vulnerable adults.

### **5.11 Economic Migrants and Persons Subject to Immigration Control**

The Council has separate procedures that cover the rights of Economic Migrants and Persons Subject to Immigration Control. Economic Migrants and Refugees would be considered separately. EU Migrants need to satisfy the habitual residency test and also need to satisfy certain conditions before they can access social housing, other migrants subject to immigration control need to satisfy that they have a right to remain. Asylum seekers once given their refugee status can approach any Local Authority for assistance. The Councils procedures cover access to the housing register and the rules outlining the allocation of properties.

## **5.12 Applicants Serving in the Armed Forces**

Applications from people serving in the armed forces will be reviewed and processed on receipt of written confirmation from either the applicant or their commanding officer that they will be leaving the armed forces by a specific date. If an applicant has been seriously injured and requires adapted housing the application will be assessed and points awarded accordingly. Applicants in these circumstances can also apply directly to Homeless services.

## **5.13 Housing References**

When applying for housing with the Council, references will be sought from previous landlords for the past 3 years. Tenancy references are sought to establish whether the applicant, or anyone wishing to be housed with them, has been subject to an Anti-Social Behaviour Order or has a history of anti-social behaviour, has any previous housing related debt with no repayment arrangement in place or has breached other tenancy conditions. If any of these is the case, the application will be suspended – see section 5.8 on Suspensions for more information on this.

## **5.14 Tenancy Conditions**

When a tenant is offered and accepts a WDC house, a legally binding contract is signed between the tenant and the Council. This is known as mentioned in section 5.9 as a Scottish Secure Tenancy (SST). This tenancy agreement sets out the tenants' rights and responsibilities and the Councils as a landlord. The Council makes every effort to fulfil its part of the agreement and expects tenants to do the same. If a tenant fails to keep to this agreement, action can be taken to have them removed from the property.

## **5.15 WDC Tenants with less than 12 Months Tenancy**

Applicants who have a tenancy with the Council must demonstrate that they have maintained their current tenancy, in a satisfactory manner, for a period of 12 months. Unless there are exceptional circumstances applicants will not be considered for another offer of housing, a mutual exchange or a nomination to another housing provider until they been in their tenancy for 12 months and received a satisfactory tenancy reference from their Housing Officer.

# **6. Points Categories & Points Structure**

## **6.1 Points Categories**

### Category 1- Insecurity of Tenure

- Notice to Quit - points can be awarded to an applicant if the landlord has served a valid notice to quit.
- Tied Accommodation – points can be awarded to applicants if they reside in a house that is part of their conditions of employment. This is known as a tied tenancy. If an applicant who resides in one of these tenancies employment ends, it is recognised that they no longer have a right to reside in this tenancy, and points are therefore awarded in the following circumstances:

- If they are a tied tenant retiring on ill health grounds or having to leave tied accommodation through loss of employment
- If they are the spouse or partner of a tied tenant who has died in service and you are required to move out of the tied accommodation.
- Regeneration – points can be awarded to applicants if they are required to move to allow redevelopment or demolition works to take place. These points will however only apply to comprehensive redevelopment schemes approved by West Dunbartonshire Council, or where the Council has agreed to rehouse applicants if they are displaced by other landlords working in partnership with the Council.

### Category 2 - Medical Needs and Disability

- Medical Needs and Disability – points can be awarded to applicants if they have a permanent or long lasting medical condition or physical disability which is made worse by their current accommodation. A disability is a physical or mental condition, which has a substantial and long term adverse effect on normal day to day activities. This is not an assessment of the severity of the medical condition or disability but an assessment of the need for another house that would alleviate the medical condition or disability. These points can be awarded to the applicant or any member of their household. A separate medical application form will need to be completed to be considered for this award. Application forms are available from local housing offices.

The process is one of self-assessment. A number of questions are asked regarding health problems. Applicants are not required to submit a letter from their doctor, however, can submit any other information considered appropriate, such as a letter from a consultant, clinic or support provider. Applicants will also be required to supply evidence of any disability benefits, medication or treatment received. Upon receipt of the application, a member of the housing operations team or the occupational therapist may call you to discuss the application and assess the property.

If it is determined that their medical condition may change, the application will be reviewed after an appropriate period determined by a medical professional.

Medical awards will be removed if the condition has improved to the extent that the applicant's current accommodation is no longer medically unsuitable.

Once your application has been assessed by the occupational therapist housing staff, a letter will be sent from the housing operations team advising whether medical points have been awarded and if so, the number of points awarded.

If the applicant is dissatisfied with the category of medical priority, or the medical award has been refused, they can appeal against this decision.

If an applicant wishes to defer their housing application their medical award will be removed, unless due to circumstances out with their control they need to defer, i.e. hospital admittance. If they wish again to be considered for offers of housing, a new medical assessment form will be required to be completed.

Medical and disability points will be awarded based on the medical needs of each household. A single award of points will be made to the applicant with the most severe medical condition. This is to ensure that applicants with the greatest medical need are matched to suitable accommodation. Medical awards are split into 3 categories:

- Medical Award A: (Urgent) – Current accommodation is causing extreme aggravation to medical condition or disability
- Medical Award B: (Serious) – Current accommodation is causing serious aggravation to medical condition or disability
- Medical Award C (Significant) – Current accommodation is causing significant aggravation to medical condition or disability.

### Category 3 – Facilities

- Sharing Amenities – Points can be awarded if an applicant is sharing amenities with anyone other than the people listed on their application to be rehoused with them, as they are considered as the direct household, you should not have to share amenities with anyone other than those in your direct household. Applicants who share amenities – bathrooms and kitchens with other members of their household do not receive sharing amenities points, nor does it apply to applicants who have sublet part of their property or have taken in lodgers. Points will be awarded to sub-tenants, lodgers, or if an applicant is living with parents, friends or relatives; and
- Lacking Amenities – points can be awarded to applicants if they lack basic amenities – i.e. a bathroom and a kitchen located within the household. This is defined by current housing legislation and these facilities should be available to all occupants. Points will be awarded if an applicant does not have access to these facilities to reflect the fact that their accommodation is below tolerable standard.

### Category 4 - House Size

- Overcrowding – points can be awarded to applicants if they are living in accommodation which is too small for their needs. This is calculated by how many bedrooms an applicant should have for the household and how many bedrooms the applicant has at their current location.

Living rooms are not considered suitable for sleeping accommodation although some applicants may have to use these rooms due to the level of overcrowding in their present homes.

Children over 10 or older will be assessed as needing a room of their own regardless of gender. Also, a physically disabled child or children should have their own bedroom irrespective of age.

Different generations (grandparent, children, and grandchildren) living together should have separate bedrooms. Expectant mothers will be assessed as 2 persons from 3 months prior to the expected date of birth.

Overcrowding points will be given if a household member has a medical condition that requires an extra bedroom to accommodate an overnight carer or considerable medical equipment.

- Under Occupation – points can be awarded if an applicant who is occupying a larger house wishes to move to smaller accommodation that is more suitable to their needs. The Council wishes to encourage people who are occupying larger houses to move to smaller accommodation that is more suitable to their needs. This also helps tenants that are suffering from the effects of welfare reform changes. Applicants can apply for under occupation points if they are occupying a property that has more bedrooms than you needed to accommodate themselves and members of their household. Also to mitigate against the effects of welfare reform the Council can in certain circumstances offer incentives to tenants wishing to move to smaller accommodation, i.e. decoration packages for the new flat; and
- Living in Multi Story Flats – points can be awarded to applicants if they live in a multi storey flat and have children under the age of 16 and wish to move to alternative accommodation.

Overcrowding and Under Occupation points are awarded in varying degrees according to the level of over or under occupation the applicant is experiencing.

#### Category 5 - Social/Relocation Points

- Relationship Breakdown – points can be awarded to applicants if they have suffered a relationship breakdown and are having to move house as a result of this;
- Social/Family support – points can be awarded to applicants if they require to be near family member/social network to give or receive support. Applicants will be required to provide evidence from the person giving or receiving the support; and
- Incoming Worker – points can be awarded to applicants if they are experiencing difficulty in travelling to work and live more than 30 miles from their place of work in West Dunbartonshire.

## 6.2 Points Structure

Categories	Circumstances	Points
Category 1 <b>Insecurity of Tenure</b>	• Notice to Quit	<b>25</b>
	• Tied Accommodation	<b>25</b>
	• Regeneration	<b>25</b>
Category 2 <b>Medical and Disability</b>	• A	<b>100</b>
	• B	<b>60</b>
	• C	<b>10</b>
Category 3 <b>Facilities</b>	Lacking Amenities	
	○ No bathroom	<b>10</b>
	○ No kitchen facilities	<b>10</b>
	Sharing Amenities	
	○ Kitchen	<b>10</b>
	○ Bathroom	<b>10</b>
Category 4 <b>House Size</b>	Overcrowded by 1 bedroom	<b>20</b>
	Overcrowded by 2 bedrooms	<b>25</b>
	Overcrowded by 3 bedrooms	<b>30</b>
	Under Occupying by 1 bedroom	<b>20</b>
	Under Occupying by 2 bedrooms 2	<b>25</b>
	Under Occupying by 3 or more bedrooms	<b>30</b>
	Multi Story Flats for Children Under 16	<b>10</b>
Category 5 <b>Social / Relocation</b>	Relationship Breakdown	<b>25</b>
	Social / Family Support	<b>10</b>
	Incoming Worker	<b>10</b>

## 1.3 Verification of Information

To ensure that applications are correctly assessed, applicants will be required to provide information to verify your circumstances. It is recognised that in some cases the information required may be sensitive and of a personal nature, so in these circumstances a position of belief and trust will be adopted. The application form will highlight to applicants what information is required to be evidenced.

## 1.4 Eligible House Size

The Council aims to make best use of its housing stock and applicants will be eligible for a particular size of house based on the size of their household.

Household Size	Accommodation Size
Single person	Bedsit or 1 Bedroom property
Couple	1 or 2 Bedroom property
Single parent or couple with one child	2 Bedroom Property
Single parent or couple with two children	
<b>-both aged under 10</b>	2 Bedroom property
<b>-one or both aged 10 or over</b>	3 Bedroom property
Single parent or couple with three children	
<b>-if two able to share a room (under 10)</b>	3 Bedroom property
<b>-none able to share a room</b>	4 Bedroom property
Single parent or couple with four children	
<b>-if all children are able to share rooms</b>	3 Bedroom property
<b>-if two children able to share a room</b>	4 Bedroom property (maximum size available)
Expectant Mother	
<b>-treated as two or more dependant of number of unborn children</b>	2 Bedroom property

Where a member of your household is temporarily living away from home, for instance in further education or in the armed forces, they will be included as part of the household if the individual provides written confirmation that they intend to live with you.

Each application will be considered on an individual basis, however in order to make best use of housing stock and maximise tenants choice there are circumstances where a larger house maybe allocated.

These are listed as below:

- Where there is a medical reason for requiring a separate or additional bedroom. This will be considered on an individual basis;
- Where a separated spouse has access rights to child/children. An additional bedroom will generally be allowed to be used by the child/children during the access period;
- Where children are close to the threshold of requiring their own bedroom. This is to maximise tenancy sustainment, larger properties to accommodate the growing household will be considered; and
- Where there is no stock of a suitable size. In some areas where there are no properties of a suitable size, households can be considered for the next suitable size.

Applicants need to bear in mind, however, the effects of Welfare Reform where tenants can have their entitlement of Housing benefit reduced if they are under occupying their home. For more information on this topic see section 11 on Welfare Reform. Due to the shortage of larger style family properties, if a tenant is occupying a property that is now substantially under occupied (after children have moved out etc.), the Council will encourage a move to a more suitable sized property for the household, to allow the much needed larger style homes to be able to be allocated to those families requiring them – See page 20 on Under Occupation.

## **7. Sheltered and Adapted Housing**

### **7.1 Allocation of Adapted Housing**

WDC wants to move toward effective allocation of adapted housing to aim to tackle the inequality experienced by disabled people in accessing suitable housing. An adapted property would be one that would enable a person (s) with a disability to live independently at home for as long as possible. Necessary adaptations help a tenant achieve personal independence and good use of adaptations can have a major impact on a tenant's wellbeing and quality of life. They can make daily tasks easier and help tenants stay in their home for longer.

To achieve this, the Council needs to make best use of existing stock, while meeting the needs of tenants. Instances where adaptations are removed from void properties as no tenant has required the adaptation should be avoided. Carrying out adaptations for tenants in properties which would not be suitable for their longer term housing needs, will also be avoided.

Where tenants live in properties with adaptations which are no longer required, the Council will support these tenants to find a mutual exchange, if they are in agreement. The Council will not take possession back of adapted housing for those who have no need for it, but simply highlight the importance of the adaptations being for those in most need of them and encourage an exchange where possible.

Due to the changes in the Housing Act, the Council has the flexibility to make better use of adapted properties as short term temporary accommodation, where at the point of allocation there is no applicant requiring the adapted property. Adapted properties would therefore only be allocated to those applicants who need them and if no applicant on the list requires that adaptation at that point, to avoid creating lengthy void times for adapted properties, they will be held and utilised for temporary accommodation until a suitable applicant is on the list.

The Council will therefore keep a record of how many properties it has that are adapted and where they are. Moving forward these properties will flag up as adapted and can be ring fenced for allocation this way. The Council will also explore alternatives to adaptations, as adapting an existing property for the tenant may not always be the best long term housing solution.



When a tenant requires a major adaptation to their household, the Housing Occupational Therapist can work together with the Housing Officer and tenant to explore the housing options available and whether a move to an already suitably adapted property would be the best option. The Housing Occupational Therapist will understand the long term prognosis of the tenant's illness and the impact this will have on their future housing needs. The Housing Occupational Therapist will also be able to assess adapted stock which becomes void and identify people who would be suitable for the adaptations and ensure that the allocation of adapted housing meets the long term needs of the tenant, thus minimising the need for future rehousing. If a tenant or residents current house does not meet their particular needs there maybe aids or adaptations that can be made to their existing house to enable them to remain there, if that is their preference. Owner Occupiers can request an assessment from Occupational Therapy or the HSCP; the request can be made personally, by family, GP or hospital etc. An assessment will then be carried out by the Occupational Therapist which if needed will result in a referral for equipment or an adaptation or both. Referrals for adaptations are then sent to Care and Repair who carry out the full grant application process, this is then sent to Private Sector Housing Grants Section for assessment.

## **7.2 Allocation of Sheltered Housing**

Sheltered Housing is the name given to grouped housing particularly aimed at people of retirement age or for those with a disability approaching retirement age who would benefit from this type of housing. Anyone of retirement age, or anyone with a disability who is approaching retirement age and would benefit from this type of accommodation, can apply. To apply for sheltered housing applicants can complete a sheltered housing application form; this form will consist of general housing questions and questions relating to the applicants current circumstances and level of mobility etc. An information leaflet is available on the Sheltered Complexes which details the facilities they all have and support they can offer. The layout of each complex is very varied so applicants should consult the information leaflet when completing an application form to see if the needs that are wished/ required can be met by the applicants preferred complex.

Based on the information within the sheltered housing information leaflet applicants should then make their choices depending on which housing complex best suits their needs and rate them in order of preference. The supply of sheltered housing is limited within West Dunbartonshire and demand outstrips supply. The community alarm service is an option that is available for residents within their own current home, it is not just specific to properties within sheltered complexes, so may work for those who simply would like to reassurance of help being at hand, applicants should take this into consideration when completing the form and matching their needs with the complexes.

The allocation of sheltered accommodation and adapted houses will therefore be made on the recommendation of qualified HSCP (Health and Social Care Partnership) professionals and/or Occupational Therapists in order to achieve the best match possible according to the assessment process and will not be determined solely by the number of points awarded.

**Please refer to our Sheltered Housing Policy for further details on the allocation of Sheltered Properties.**

## **8. High Risk Offenders**

The Council has a duty to consider the housing requirements of all applicants over the age of 16 but procedures are in place to manage and minimise the risk posed to communities by high risk offenders. The Council adopts a multi-agency approach to housing high risk offenders and works with a number of different agencies such as Police Scotland, Criminal Justice Social Work and the Scottish Prison Service. Multi Agency Public Protection Arrangements (MAPPA's) are in place, where all agencies decide jointly on risk management. The Council and RSL's in the area do not therefore carry the principle responsibility of managing risk relating to high risk offenders. An information sharing protocol is in place, which sets out the processes for information sharing and co-operation. The information sharing helps to assist with the management of risk but it cannot eliminate it entirely. All available properties are profiled to ensure their suitability before an offer would be made.

## **9. Domestic Pets**

Pets are generally not permitted within Sheltered Housing Complexes, with the exception of working guide dogs and assistance dogs. In main stream accommodation the Council generally allows tenants to keep pets, subject to written permission being granted and specific conditions being adhered to. However, dogs are not permitted in multi-story flats, unless again that it is a working guide dog, or assistance dog. More information on keeping pets is available in the Council's Pets Policy.

## **10. Gypsy Travellers Site**

West Dunbartonshire has one travelling persons site located at Dennystoun Forge in Dumbarton. The site has a total of 20 bays and is open all year round. To apply for a pitch, applicants can complete a standard waiting list application form. Applicants simply tick the box option 'Gypsy Travellers Site' under the heading 'House Type'. Applications will be assessed and placed in the appropriate group based on their present housing circumstances, and points will be awarded accordingly. Gypsy Travellers who have nowhere to site their caravan will be referred to the Homeless Team.

The facilities for each pitch includes:

- A hard standing for a caravan;
- Space to park a car or other vehicle;
- Toilets, showers and baths;
- A mailbox; and
- A designated Housing Officer for the area

## 11. Welfare Reform

The Welfare Reform Act 2012 came into effect in April 2013. This introduced measures such as the under occupation deduction, otherwise known as the 'spare room subsidy or bedroom tax'. This means that a tenant in receipt of housing benefit will have their entitlement reduced by up to 25% if they are under occupying their home. Prospective tenants will need to bear this in mind when applying for accommodation and consider how many bedrooms they need, Welfare Reform room allowances are different from the Councils room allowances. Reasonable preference is now therefore given to social housing tenants who are under occupying their home so points are awarded if a tenant wishes to move due to this. The increase in need for smaller properties means that supply is outstripped by demand, therefore tenants have limited suitably sized accommodation to move to. To aim to mitigate this priority will be given to those who can fully occupy the property, couples will be considered for a 2 bedroom property. For those tenants who currently find themselves affected by aspects of Welfare Reform, Discretionary Housing Payments (DHP), are available to mitigate and assist. This will continue to be the case, however the DHP budget is cash limited and it is likely that future applications may be assessed on a needs and Income/Expenditure basis.

## 12. Homelessness

Applicants who are homeless or threatened with homelessness are treated separately within the Allocations policy to make sure that their needs are met as quickly as possible.

Applicants assessed as homeless are housed under the provisions of the homelessness legislation and not through our Allocations Policy. The Council has a statutory duty to secure permanent accommodation for applicants who have been assessed as being in priority need and unintentionally homeless. We aim through our homeless assessment process to treat homeless applicants fairly and equitably, having regard to the urgency of their individual circumstances, their housing and medical needs and the constraints of current stock availability.

We operate a 24 hour service for homeless people and can provide emergency temporary accommodation if required. During our normal office hours, please contact the Homeless service in Clydebank, Alexandria or Dumbarton. Out of office hours, at weekends, during public holidays etc. please contact the standby service. **Emergency Phone Number 0800 197 1004**

If anyone threatened with homelessness or homeless requires to contact the Council out of hours, and are unable to access or use a telephone, they can contact the local police station and they will contact the emergency service on their behalf. If this contact number should change, the Council will publish details in the local press, in our guide to council services and also display the new number in the Councils One Stop Shops.

### **13. Domestic Abuse**

If anyone is experiencing domestic abuse (including psychological – covering coercive control, emotional, physical, financial or sexual abuse), there are a number of housing options available:

- A housing application can be made; points are given for relationship breakdown.
- Anyone experiencing or fleeing domestic abuse is also entitled to statutory protection and has a legal entitlement to a homeless assessment and housing.

The situation can be discussed with a member of staff at one of the local area offices at Clydebank, Dumbarton or Alexandria in complete confidence. Applicants can request a same sex interview. Interviews will be held in a private interview room and all interviews will be carried out in the strictest of confidence. The Council is also developing a specific campaign entitled 'No Home for Domestic Abuse' to tackle this issue also.

### **14. Housing Support**

Housing support services are defined by the Housing (Scotland) Act 2001 as including any service that provides support, assistance, advice or counselling to an individual with particular needs, with a view to enabling that individual to occupy or continue to occupy their home.

If it is felt that a tenant requires support in sustaining their tenancy they can be referred to support services who will work with the tenant to enable them to remain living in their tenancy.

Tenants can also be signposted to HSCP services and referrals can be made to HSCP when it is felt that there is a vulnerable adult or child in the tenancy. Tenants can also be referred to Working 4 U if they are experiencing financial difficulties. Working 4 U can offer support with benefits and money / debt issues and assist people overcoming barriers to entering employment.

### **15. Lettings Plans & Initiatives**

Lettings Plans and Letting Initiatives are tools to help tackle the issue of empty properties and to combat other signs of neighbourhood decline.

Lettings Plans refer to how properties are allocated, whilst Lettings Initiatives refer to incentives to stimulate or increase demand for particular properties or areas.

## **15.1 Lettings Plans**

Lettings Plans can be an important tool to enable the Council to respond to and tackle a range of specific circumstances in specific lettings areas and support wider strategic objectives initiatives.

These could include,

- Tackling low demand areas and difficult to let properties
- Tackling antisocial behaviour
- The need to creating balanced and mixed communities
- The need to protecting existing stable communities
- The desire to improving community stability and cohesion

The Council will ensure that houses are let sensitively in a way which gives reasonable preference to those in housing need, makes best use of existing stock, reflects the local needs and circumstances that have been identified and contributes to more sustainable communities.

The Council will use triggers to highlight the need for a local Lettings Plan to be developed and will ensure that tenants, residents and other relevant stakeholder groups are consulted in the preparation of any such plan. The Council can be flexible in their approach for considering the best applicant for a void property by utilising the three lists that are available to them and also by optimising the Homelessness and Young Care Leavers lists.

## **15.2 Lettings Initiatives**

Lettings Initiatives are a reflection of best practice to tackle areas where there are high levels of empty houses, small or non-existent housing lists, high refusal rates and low levels of tenancy sustainment.

Where the Council needs to intervene to help to promote sustainable communities and generate demand for areas, a range of initiatives will be available at a local level to address help tackle this.

Such Initiatives or incentives could include,

- advertising of properties on the Council's Homefinder website
- the development of show flats for prospective tenants to view
- offering of incentives such as decoration allowances, white goods or carpets.

The success of Lettings Initiatives used will be monitored and assesses to ensure that the aims outlined are achieved.

## **16. Exceptional Circumstances**

It is important for the Allocations Policy to be flexible in some cases so there will be circumstances where the Council considers it appropriate to make an offer of housing to an applicant who may not fit in with the main stream criteria within this policy.

When exceptional circumstances arise and warrant an offer of housing out with this policy, the Allocations Panel will review the case and decide the priority of the referral, and, where necessary can also decide on the size, type and location of the property to be offered through the Panels priority decision. The Panel will be monitored, decisions recorded and best practice will be adopted. Exceptional circumstances cannot be predicted but having the Allocations Panel in place provides a mechanism for such cases to be assessed in a fair and transparent manner. The panel will focus on the following points:

- Applicants having exceptional level of need where circumstances are so unusual that the allocation policy cannot adequately assess and prioritise; and
- The number of cases being presented to the panel must be minimal, and individual cases will be monitored to highlight any growing patterns.

## **17. Monitoring and Review**

### **17.1 Review of Policy**

We will review the Housing Allocations Policy every year or if required; for example to comply with any legislative changes. We will consult tenants, applicants and other relevant stakeholders when carrying out a review. The group plus points system can be reviewed through the year also to ensure that quotas for all groups receive an equitable share of all allocations and that this is clearly reflected in the demand of housing across the different groups. The percentage quota can also be reviewed annually and can change depending on the analysis of patterns of housing need and demand.

### **17.2 Appeals Process**

Complaints can be made to the service area directly and an applicant can appeal any decision made during the processing of the housing application in writing by telephone and/or in person. An area co-ordinator who has not been involved with the initial decision will investigate the appeal and send a written reply within 14days.

If not satisfied with the outcome of the above or an applicant does not feel comfortable going directly to the service area, complaints can be made to the Customer Relations Team. See the 'How to Complain' section of the Councils website where online forms can be completed or alternatively contact Customer Relations by phone or email on the details provided on the website.

Complaints can relate to the way in which an application for housing has been dealt with, staff conduct, any aspect of the allocations of particular properties, or on the Council policy relating to the allocation of housing within West Dunbartonshire.

The Complaints Handling Process has 2 stages:

- Stage 1 allows five working days or less to respond to the complaint, unless there are exceptional circumstances; and
- Stage 2 deals with complaints that have not been resolved at Stage 1 and those that are complex and require detailed investigation. Complaints handled at Stage 2 should be responded to within 20 working days.

If after receiving the Council's final response at Stage 2 a complainant still not happy they have the right to ask for the complaint to be independently reviewed by the Scottish Public Services Ombudsman, their contact details will be provided in the Council's final response.

Queries about the Complaints Handling Procedure or any aspect of the above information should be directed to the Council's Customer Relations Team.

## **18. Scottish Social Housing Charter**

The Scottish Social Housing Charter came into force in 2012 and sets out the standards that tenants and residents can expect from the Council. Key standards relevant to allocation practice are:

### Outcome 1: Equalities

The Council is committed to promoting equality in delivering its Allocation Policy by ensuring that it does not discriminate on any grounds.

### Outcome 2: Communication

The Council recognises the importance of communication with customers by the service objective 'to be open with applicants at the different stages of the allocation process' and providing customers with the opportunity to provide feedback or complaints about the services received.

### Outcomes 7, 8 and 9: Housing options

Social landlords work together to ensure that:

- People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them
- Tenants and people on housing lists can review their housing options.  
Social landlords ensure that:
- People at risk of losing their homes get advice on preventing homelessness.

These outcomes cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless. These duties include helping tenants and people on housing lists to review their options to move within the social housing sector or to another sector.

## Outcome 10: Access to social housing

Social landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

## Outcome 11: Tenancy sustainment

Social landlords ensure that:

- Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

This outcome covers how landlords can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, or caring responsibilities.

## Outcome 12: Homeless people

Local councils perform their duties on homelessness so that:

- Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

This outcome describes what councils should achieve by meeting their statutory duties to homeless people.

The Council then has to report on these outcomes each year to the Housing Regulator and make this information available to the public each year in October.

### **18.1 Satisfaction Monitoring**

The Council itself also has the following performance monitoring mechanisms in place to ensure that a quality service is delivered across all aspects of the allocations and lettings service.



The Council therefore monitors numbers of the following issues under the headings below.

#### Access to the housing register

- Applicants on the housing register, including tenants seeking to transfer or exchange houses;
- New applications to the housing register, including processing applications against set timescales; and
- Deletions from the housing register.

#### Offers and lets of accommodation

- Numbers of offers to applicants, including information on accepted and refused offers;
- Offers suspended and reasons, as well as appeals against suspensions and outcomes;
- Allocations to each housing group against targets; and

#### Equality monitoring

- Equality information to identify applications, offers and lets by reference to factors such as age, disability, ethnicity and race and gender.

#### Appeals and complaints

- Numbers of appeals and complaints, including outcomes.

#### Other monitoring

This type of monitoring includes activities such as:

- The quality of our verbal advice and information about allocation matters; and
- The quality of our public information relating to written and electronic formats.

This includes meeting corporate quality standards such as producing information, as appropriate, that is:

- Accurate;
- In plain language; and
- Accessible to the needs of individual service users.

We also monitor specific issues to inform practice such as reasons why tenants are seeking to transfer to other houses or to exchange homes with other tenants.

## **19. Working with other Housing Providers**

The Council has Nomination Agreements with Registered Social Landlords (RSL's) within West Dunbartonshire. These arrangements provide the Council with the right to nominate applicants from the housing waiting list for vacancies that arise within RSL housing stock. However these arrangements do not give the Council the right to allocate such vacancies and any allocations are made in accordance with individual RSL's allocations policies and procedures.

Within the terms of the homelessness legislation, the Council has a Section 5 protocol in place with local RSL's. This provides the formal framework within which the RSL's, in partnership with the Council, provide permanent accommodation for homeless people within West Dunbartonshire.

## **20. Role of Councillors**

The role of Councillors in making decisions about housing is restricted by the Housing (Scotland) Act 1987. Councillors are responsible for approving the Allocations Policy and monitoring its effectiveness but not for the allocation of properties. Councillors are, however, entitled to provide information in support of an application on the applicant's behalf.

## **21. Allocations to Members of the Council and Housing Staff**

To ensure transparency in the allocations procedures, approval from the Housing Operations Manager will be sought if a house is being allocated to housing services staff, elected members or members of their immediate family. Any such allocation will be processed an Area Co-ordinator and approved by the Housing Operations Manager.

## **22. Publicity**

The Council will publish details of the Allocations Policy and how it assesses priority for housing. The policy will be circulated to other Council departments, registered residents and tenants associations, external partner organisations and other relevant stakeholder groups.

## **23. Access to Information on Applicants**

If an applicant would like to check the details held on their application at any time they can contact the local area office at Clydebank, Alexandria or Dumbarton. Only the applicant is allowed access to the information held under the terms of data protection legislation. If, however, a tenant appoints a representative information can be passed on to them. Applicants should consider when accessing information on their position on the lists that the policy is a needs based policy so positions can regularly change.

## **24. Lock Up Garages and Garage Sites**

Residents of West Dunbartonshire can apply for lock ups or garage sites. The Council allocates WDC lock ups and garage sites according to the date of application. Preference when allocating lock ups is given to disabled applicants who have a 'blue badge' for their vehicle. Proof that an applicant is a blue badge holder will have to be given.

Tenants of WDC may be refused an application on the following grounds:

- Rent arrears amounting to more than 4 weeks rent and no agreement in place to repay the debt;
- Not keeping to the arrangement to repay the outstanding housing related debt; or
- Had previously been a tenant of a WDC lock-up or garage site and the tenancy had to be terminated for any reason.

Appeals will be dealt with in line with appeals section in 17.2. Housing Officers will be able to provide applicants with more information on lock-ups/garage site locations, rent and other charges. Only one tenancy for a WDC lock up can be held at at any time.